

Attorney Docket No. 1017-5616 (51017/5616)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	
Weinstock et al.	:	
Serial No.: 09/641,820	:	Examiner: Fisher, Michael J.
Filed: August 18, 2000	:	Group Art Unit 3629
For: Web Enabled Business To Business	:	
Operating System For Rental Car Services	:	

DECLARATION OF TIMOTHY WEINSTOCK

Comes now Timothy Weinstock, and being duly informed of the penalties for perjury, does hereby provide the following declaration in support of the subject patent application.

1. I, Timothy Weinstock, am presently employed by Crawford Group, Inc., the assignee of the subject patent application and the corporate parent of Enterprise Rent-A-Car Company ("ERAC") which uses the invention described in the subject application to conduct its car rental business. During 1999, I served as Project Manager for the development of the inventive automated rental management system described by Figures 1 and 2 of the subject patent application (hereinafter the "ARMS/Web 1.0 system"). As part of my duties as Project Manager, I was directly involved with the conception, development, testing, and commercial implementation of the ARMS/Web 1.0 system.

2. In gathering prior art to submit to the Patent Office, several documents have been brought to my attention that contain dates which are not consistent, but which I can explain.

3. One relevant document being submitted is a task report for "GUI ARMS/400 Development", a copy of which is included herein as Exhibit A (see also Reference FZ listed in concurrently submitted IDS). "GUI ARMS/400" is another name that we used to describe the ARMS/Web 1.0 system. Exhibit A is a print-out of a computer file that I maintained as I performed my work on the ARMS/Web 1.0 system. The columns in Exhibit A that are labeled "Act Start" and "Act Finish" respectively refer to the actual starting date and actual ending date for the corresponding task. Further, I note that the rows in Exhibit A that include bold face headers in the "Task Name" column serve to summarize all of the

specific tasks listed below those headers and indented relative thereto. On page 2, there is a task ID 76 entitled "Perform In-House Piloting". This task refers to a pilot of the ARMS/Web 1.0 system wherein ERAC employees who worked in a claim center of an insurance company began to use the ARMS/Web 1.0 system to create and manage "actual" rental vehicle reservations. By "actual" I mean that the reservations were for actual customers of the insurance company who intended to use the rental car being reserved. This was the first time that the system was used to process "actual" vehicle reservations. I note that the document indicates an actual finish date of 9/22/00 referring to the actual finish date for the task. I note that this 9/22/00 date certainly contains a typographical error as the ARMS system went "live" well before 9/22/00. It undoubtedly should read 9/22/99 which would make it consistent with the other dates and tasks on this document.

4. With respect to other tasks listed in Exhibit A, I note that the task heading "Production Environment Testing" (task ID 58) refers to ERAC's internal testing of the ARMS/Web 1.0 system's hardware capabilities. No "actual" rental vehicle reservations were processed as part of this task.

5. Another task "Present Prototype to In-House Pilot Personnel" (task ID 72; actual start date of 8/19/99 and actual end date of 8/19/99) refers to a demonstration of the ARMS/Web 1.0 system that was given to the ERAC personnel who were to conduct the pilot that began on August 20, 1999. The purpose of this demonstration was to train the ERAC in-house pilot personnel with respect to using the ARMS/Web 1.0 system. No "actual" rental vehicle reservations were processed as part of this task.

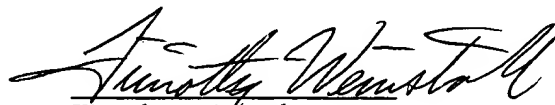
6. A task heading "Customer Rollout and Evolution Planning" (task ID 78) summarizes the tasks listed therebelow. The actual start date referenced by the "Customer Rollout and Evolution Planning" header corresponds to the actual start date for the "Develop detailed GUI/Green Screen Change Management Process" task (task ID 79). While these dates are earlier than August 20, 1999, no "actual" rental vehicle reservations were processed by the ARMS/Web 1.0 system until August 20, 1999.

7. Another document I have been made aware of is entitled "CIO Magazine 2002 Enterprise Value Awards Application"; reference GA in the concurrently submitted IDS, attached hereto as Exhibit B, and it includes a statement that "ARMS/Web ... was piloted to the first users in July of 1999." This date is different from the date contained in the documentation of Exhibit A, August 20, 1999. However, as I was in charge of the ARMS project and participated in its development, I believe the more trustworthy dates are those contained in my Task Report which carefully charts out the course and conduct of the ARMS project.

8. Included herewith as Exhibit C (reference GB in the concurrently submitted IDS) is an article entitled "ARMS/Web is Coming" that I wrote for publication in an internal ERAC newsletter to notify ERAC employees of the emerging ARMS/Web 1.0 technology. I last revised the article of Exhibit C on or after August 13, 1999, as indicated in the footer of the document. The article of Exhibit C includes the statement: "Some Enterprise in-house employees will pilot ARMS/Web starting in mid-August. Based on feedback from the pilot, ARMS/Web is expected to be available to all current and future insurance companies starting in September, 1999." (emphasis added) This statement further convinces me that the July 1999 statement in Exhibit B is incorrect because if piloting had in fact begun in July of 1999, I would not have written on August 13, 1999 that piloting was scheduled to begin in mid-August. As project manager for the ARMS/Web 1.0 system, I was in position to know precisely when piloting of the ARMS/Web 1.0 system began, and based on my review of my records I am convinced that it did not begin in July 1999 but instead began August 20, 1999.

9. Yet another document is included herewith as Exhibit D (reference GC in the concurrently submitted IDS). Exhibit D is a copy of a "GUI ARMS/400 Development Project Approach". I recall this document being last revised around June 1999. This document includes a forecasted timeline for the development of the ARMS/Web 1.0 system indicating that as of June 1999, the ARMS/Web 1.0 system would not be ready for piloting until August 1, 1999. In reality, based on my other documents included herein, this projected piloting ended up being delayed until August 20, 1999. I also note that the forecasted timeline of Exhibit D includes a mid-July 1999 entry of "Run-Time Demo for National Marketing". This milestone refers to a demonstration of the ARMS/Web 1.0 system that was given to ERAC employees. In this demonstration, no actual rental vehicle reservations were processed by the ARMS/Web 1.0 system. The purpose of this demonstration was to familiarize the audience of ERAC employees with the screens of the ARMS/Web 1.0 system and to receive feedback from the audience to help determine whether any further changes to the ARMS/Web 1.0 system screens were needed prior to its rollout.

Having been duly warned that willful false statements and the like are punishable by fine or imprisonment, or both under 18 USC 1001, and may jeopardize the validity and/or enforceability of the subject application or any patent issuing thereon, the declarant submits the foregoing declaration.


Timothy Weinstock

1/11/2006
Date



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DECLARATION OF WILLIAM G. TINGLE

Comes now William G. Tingle, and being duly informed of the penalties for perjury, does hereby provide the following declaration in support of the subject patent application.

1. I, William G. Tingle, am presently employed by Crawford Group, Inc., the assignee of the subject patent application and the corporate parent of Enterprise Rent-A-Car Company ("ERAC") which uses the invention described in the subject application to conduct its car rental business. During 1999, I had the title of Assistant Vice President and then Vice President of the Company, and part of my responsibilities included company wide responsibility for software and product development. The development of the inventive automated rental management system described by Figures 1 and 2 of the subject patent application (hereinafter the "ARMS/Web 1.0 system") was during this time frame performed under my ultimate supervision.

2. In gathering prior art to submit to the Patent Office, several documents have been brought to my attention which are being submitted and at least one that contains a date which is inconsistent with dates on other documents, but which I can explain. I also wish to provide some information on several systems that were implemented at about one year prior to the filing date of the subject application, or before then, and which the Patent Office may consider relevant.

3. Prior to the development and implementation of the ARMS system that is described in the subject patent application, ERAC was using a system that was DOS based and which offered some

communication capability between it and the body shops where insurance company customers had brought their insured vehicles for repair and had obtained an ERAC rental car to drive while the repair was being completed. The first such ancillary system was implemented in Sep./Oct. of 1997 and was known as the Electronic Callback System, or ECBS. This software application was provided on a diskette to body shops who would load it onto their computer systems. Each day, ERAC would load each body shop's callbacks into a separate AGNS mailbox. The body shops would use a dial-up connection to connect to access their AGNS mailbox that contained all their callback information. This information would be updated by body shop personnel and "push" their updates back to the AGNS mailbox. Later, perhaps overnight, ERAC would pick up the updates and process them through the "fulfillment" system in use at that time, known as ECARS. A collection of "screen shots" demonstrating ECBS is attached hereto as Exhibit A (reference AH in the concurrently submitted IDS).

4. The ECBS system was not internet based, was not Windows based or GUI implemented, and was not communicating either bi-directionally or in real time. ECBS could best be described as a batch type polling system to gather updated information on the status of vehicles being repaired. ECBS could not be used to create, adjust any terms of, or "manage" the reservation and instead other activities had to take place by other systems and personnel for reservation creation or management to take place. ERAC was not satisfied with ECBS, including especially its inability to handle the large amount of data required due to the size of ERAC's business, and not long after its implementation began development of improvements to ECBS.

5. The system developed to improve ECBS was the Vehicle Management System ("VMS") and it was implemented in Feb. of 1999. The design parameters for VMS are described in Exhibit B attached, (reference FY in the concurrently submitted IDS), which is the Project Charter entitled "ARMS - Vehicle Messaging System" written at the start of the design process but not necessarily the finished product as implemented so there may be inconsistencies between it and my description which follows. Also attached hereto as Exhibit C, (reference GD in the concurrently submitted IDS), is a later written overview of "ARMS Automotive" which includes a brief summary of the previous VMS system, as built. VMS used essentially the same back-end processing functionality as ECBS but provided a web browser-based front-end. As such, while the requests for information were presented to the body shop personnel in a more user friendly format, VMS did not offer any significant improved functionality with respect to "managing" the vehicle reservation. Again, as with ECBS, it operated as a batch processing of updated body shop information. VMS could not be used to create, adjust any terms of, or "manage" the reservation and instead other activities had to take place by other systems and personnel for reservation

creation or management to take place. VMS was also abandoned due to its continued shortcomings based on the ECBS design.

6. Both the ECBS and the VMS systems were considered as ancillary data collection systems, implemented to partially automate the gathering of information for the predecessor "green screen" reservation system described at length in other documents being provided to the Patent Office.

7. Attached hereto as Exhibit D (reference GE in the concurrently submitted IDS) is a document entitled "ARMS-Vehicle Messaging System, Phase II, Project Charter" dated August 20, 1999 which as mentioned above with respect to Exhibit B is a document that was at that time customarily created at the start of a new project and which sets forth the parameters for the software being designed. This project was started to re-design the then existing VMS system as described above, and which later became known as "ARMS Automotive" although there has been a blurring by many of this term to also refer to the predecessor systems as well. This document demonstrates to me that this ARMS Automotive system including Exhibit D is recent enough that it would not be considered important to the Patent Office in connection with the subject patent application.

8. Another document being submitted, reference GF in the concurrently submitted IDS and attached hereto as Exhibit E, is an excerpt of the summer 1999 internal ERAC publication entitled "Free Enterprise" that includes the following quote:


BODY SHOP COMMUNICATIONS SYSTEM ON THE INTERNET - Enterprise is in the final stages of developing an Internet communications system that gives body shops a simple, electronic method for updating Enterprise Rental branches about the status of cars in their shop. Through a link with ARMS, it will also keep insurance companies up to date. Any body shop that is on the internet and has the password can access it. The communications system will assist body shops by dramatically reducing phone calls. It will also allow them to do updates when it's convenient for them and give them a way to separate themselves from their competition in the eyes of insurance companies. Easy-to-follow screens enable shops to input information in a clear, consistent form - which will help speed up and simplify claims when they are sent to an insurance provider via ARMS. Currently, 40 repair shops are involved in the test phase of the system in four Enterprise groups. A nationwide rollout is set for this fall."

The information contained in this quotation is correct except that the timing of the introduction for what became known as ARMS Automotive did not turn out as stated. The information for this article probably was provided by me, or through me, to our public relations group for inclusion in this article. However,

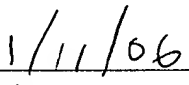
the project dates are more reliably provided in Exhibit D noted above, making this planned test phase happening after August 20, 1999. I believe this to be true for a number of reasons including the fact that the system had not by then been developed, that information for this article must have been provided beforehand and was necessarily predictive in nature, and while general accuracy was sought to be achieved there was no exerted significant effort to be exactly correct as Free Enterprise is an internal publication and the nature of the document is to communicate the future availability of systems with an optimistic schedule.

9. Another document being submitted is entitled "CIO Magazine 2002 Enterprise Value Awards Application"; reference GA in the concurrently submitted IDS, attached hereto as Exhibit F, and it includes a statement that "ARMS/Automotive was developed and deployed in April 1999." This date is inconsistent with the Project Charter of Exhibit D, which confirms to me that ERAC didn't even begin the development of ARMS/Automotive until August 20, 1999. This reference must be an example of the blurring I mention above as employees have used the term ARMS/Automotive to refer not to just the later developed program but also its predecessors which are more correctly identified at ECBS and VMS. In fact, the April 1999 "deployment" date is about the time that the VMS system was "deployed".

Having been duly warned that willful false statements and the like are punishable by fine or imprisonment, or both under 18 USC 1001, and may jeopardize the validity and/or enforceability of the subject application or any patent issuing thereon, the declarant submits the foregoing declaration.



William G. Tingle



Date